

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 15, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Masica, Swenson and Mayor Hovland. Member Housh was absent.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Masica approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

EMERGENCY MEDICAL SERVICES (EMS) WEEK PROCLAIMED - MAY 20 - 26, 2007 Mayor Hovland declared the week of May 20-26, 2007, as Emergency Medical Services (EMS) week in Edina to honor the Edina Fire and Police Departments' valuable contributions to the health and well-being of our citizens.

Member Masica made a motion proclaiming May 20-26, 2007, as Emergency Medical Services week in Edina. Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MAY 1, 2007, APPROVED** Motion made by Member Swenson and seconded by Member Masica approving as presented the Minutes of the Regular Meeting of May 1, 2007.

Motion carried on rollcall vote – four ayes.

RESOLUTIONS NO. 2007-60 AND 2007-61 ADOPTED DESIGNATING THE BROWNDALÉ BRIDGE AND EDINA MILL SITE HERITAGE LANDMARKS IN EDINA Associate Planner Repya gave the background on each of the proposed locations to be designated historic landmark sites. She outlined the proposed plans of treatment for each location. The Council briefly discussed the sites, plans and offered suggestions for implementation. Staff was directed to review the surface of the Browndale Bridge.

Member Swenson made a motion adopting Resolution No. 2007-60 adding the Edina Heritage Landmark Zoning and Plan of Treatment for the Browndale Bridge. Member Masica seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

Member Bennett made a motion adopting Resolution No. 2007-61 adding the Edina Heritage Landmark Zoning and Plan of Treatment for the Edina Mill Site. Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2007-07 ADOPTED AMENDING SECTION 1115.02 OF EDINA CITY CODE REGARDING AN IRRIGATION BAN Engineer Houle noted the revisions requested by Council when First Reading was granted to proposed Ordinance No. 2007-07, May 1, 2007. He explained that

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exempt properties, the permit process and the proposed surcharges had been clarified and that staff recommended Council adopt the ordinance as revised. The Council requested that irrigation be defined during their discussion of the proposed amendment. Staff proposed an acceptable definition for inclusion in the proposed ordinance.

Member Bennett made a motion granting second reading to Ordinance No. 2007-07 Amending Subsection 1115.02 of the City Code regarding an irrigation ban including the irrigation definition and directing staff to have the City's Arborist and the Garden Council prepare written suggestions that may be distributed to citizens as necessary. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

FIRST READING GRANTED TO ORDINANCE NO. 2007-08 AMENDING SECTION 850 OF THE CITY CODE REGARDING SETBACKS AND BUILDING HEIGHT Affidavits of publication were presented and placed on file.

Planning Director Teague gave a presentation using graphics outlining results of the study done on "massing" by a Council appointed task force. He noted the City's current code contained a lot coverage requirement which increased setback for higher buildings, thusly limiting to a degree, building size. Mr. Teague said the proposed amendment would change building height and building elevation. It would enact a sliding side-yard setback requirement and would eliminate the ability of bay windows extending into setbacks. Mr. Teague then reviewed thirteen recently-approved house plans within the City and applied the proposed ordinance amendment's requirements. He noted that in nine instances changes would be necessary to comply with the new requirements. The Council discussed the methodology of measuring height, the possibility of using some form of floor area ratio, the impact on neighborhoods of numerous renovations and demolitions/reconstructions, impact on walkout lots under the proposed amendments, how changes in elevations would affect administration of the requirements and how architectural integrity affected outcomes.

Public Comment

Pam Starkey, 5331 Oaklawn Avenue, spoke in support of the proposed amendment.

Jim Grotz, 5513 Park Place, suggested revisions be made before adoption due to impact of height limit.

Steve Timmer, 5348 Oaklawn Avenue, spoke in support of the proposed amendment.

Scott Busyn, 5018 Arden Avenue, expressed concern over impact on walkout homes.

Scott Card, 5517 Dever Drive, suggested that maintaining architectural integrity would be more important than setting specific limits.

Lori Grotz, 5513 Park Place, expressed concern over potential impact on walk-out lots.

Craig Ostrem, 5837 Ewing Avenue, supported the proposed amendment.

Tom Fletcher, 5133 Halifax Avenue, stated architects should be required.

Lon Oberpriller, 4517 Rutledge Avenue, expressed concern with amendment as written.

Mike Russell, 5400 Dundee Road, agreed with setbacks concept, but expressed concern with height limits.

Member Masica made a motion, seconded by Member Swenson closing the public hearing.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

Following the public comment, the Council discussed the matter. Their discussion included the variety of property within Edina and difficulty in developing standards taking such variety into consideration, methods for measuring the height of buildings, the potential impact on walk-out lots, impact on existing homes when small homes were replaced with very large homes, concern over maintaining original elevation of demolition houses, and need for additional information. **Member Masica made a motion granting first reading to Ordinance No. 2007-08 amending Section 850 of Edina City Code regarding setbacks and building heights, directing that written public comment remain open until consideration of second reading on June 19, 2007.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

FIRST READING GRANTED TO ORDINANCE NO. 2007-10 AMENDING SECTION 1040 OF THE CITY CODE REGARDING CONSTRUCTION NOISE

Manager Hughes reviewed the proposed ordinance amendment to Section 1040 including: 1) eliminating the current exemption of construction noise during daytime hours; 2) establishing reduced hours of operation for construction noise on weekday to 7 a.m. -9 p.m. and weekends to 8 a.m. – 7 p.m.; and 3) establishing a maximum 85 dB limit for construction noise at the property line.

Following a brief discussion, **Member Bennett made a motion to grant first reading to Ordinance No. 2007-10 amending Section 1040 of Edina City Code regarding construction noise.** Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

PUBLIC COMMENT – Jim Grotz, 5513 Park Place, said he found an incorrect page listing Edina's Council members. Communications Director Bennerotte explained the page was either a result of Mr. Grotz's computer's memory or that of the search engine used having stored a page that was no longer correct.

***BID AWARDED TODD PARK NEIGHBORHOOD RECONSTRUCTION, CONTRACT NO. ENG 07-7** **Motion made by Member Swenson and seconded by Member Masica awarding the bid for Contract No. ENG 07-7, Todd Park Neighborhood Improvements, Nos. BA-340, SS-433, WM-464 and STS-445 to Hardrives, Inc. in the amount of \$1,714,626.55.**

Motion carried on rollcall vote – four ayes.

BOARD OF APPEAL AND EQUALIZATION REPORT John Helling, Chair of the Board of Appeal and Equalization reported to the Council the activity of the first Special Board of Appeal and Equalization at their 2007 meeting April 16, 2007, and April 30, 2007. He thanked the Council for the opportunity for him and his fellow board members to serve their community. The Mayor and Council thanked Mr. Helling for the work of the board. No formal action was taken.

RESOLUTION NO. 2007-57 – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes, all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Swenson introduced Resolution No. 2007-57, accepting various donations, and moved approval. Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

APPOINTMENT MADE TO BIKE EDINA TASK FORCE Mayor Hovland noted that an opening existed on the Bike Edina Task Force. **Mayor Hovland made a motion, seconded by Member Masica to appoint Alice Hulbert to a position on the Bike Edina Task Force.**

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2007-59 ADOPTED PROMOTING USE OF INTRASTATE MUTUAL AID AGREEMENTS** Motion made by Member Swenson and seconded by Member Masica adopting Resolution No. 2007-59 promoting the use of Intrastate Mutual – Aid Agreements as requested by the Minnesota Department of Homeland Security and Emergency Management .

Motion carried on rollcall vote – four ayes.

***TRAFFIC SAFETY STAFF REPORT OF MAY 2, 2007, APPROVED** Motion made by Member Swenson and seconded by Member Masica approving the Traffic Safety Staff Review Report for May 2, 2007.

Motion carried on rollcall vote – four ayes.

***CHANGE ORDER APPROVED – GYMNASIUM CONSTRUCTION** Motion made by Member Swenson and seconded by Member Masica approving the change from St. Paul Linoleum & Carpet Company as part of the gymnasium construction at \$621.50.

Motion carried on rollcall vote – four ayes.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Masica approving payment of the following claims as shown in detail on the Check Register dated May 3, 2007, and consisting of 26 pages: General Fund \$451,582.31; CDBG Fund 13,614.72; Communications Fund \$10,741.89; Working Capital Fund \$54,866.16; Art Center Fund \$1,064.81; Golf Dome Fund \$2,004.41; Aquatic Center Fund \$177.20; Golf Course Fund \$19,626.67; Ice Arena Fund \$1,334.11; Edinborough/Centennial Lakes Fund \$14,691.16; Liquor Fund \$166,343.75; Utility Fund \$23,197.48; PSTF Agency Fund \$154.52; TOTAL \$759,399.19; and for approval of payment of claims dated May 9, 2007, and consisting of 29 pages: General Fund \$318,912.91; CDBG Fund \$2,925.00; Communications Fund \$2,669.69; Working Capital Fund \$72,321.88; Art Center Fund \$3,470.97; Aquatic Center Fund \$9,818.37; Golf Course Fund \$38,933.99; Ice Arena Fund \$29,416.99; Edinborough/Centennial Lakes Fund \$8,166.08; Liquor Fund \$211,470.57; Utility Fund \$302,273.24; Storm Sewer Fund \$1,261.74; Recycling Fund \$46.37; PSTF Agency Fund \$4,691.89; TOTAL \$1,006,379.69.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Debra A. Mangan, City Clerk